IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 30TH MAY 2007 / 9TH JYAISHTA 1929

Tr.P(C).No. 203 of 2006()

OP(T).249/2006 of D.C. & SESSIONS COURT,KOZHIKODE
OS.191/2002 of PRL.M.C.KOZHIKODE-I

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PETITIONER/PLAINTIFF

M/S.MEENA PALACE (LTD),
A COMPANY INCORPORATED UNDER THE COMPANIES
ACT, REP. BY ITS DIRECTOR, MAYARANI KUMARI,
AGED YEARS, D/O.PARAMBATH GOPALAN, P.G.COMPLEX,
BANK ROAD, NAGARAM AMSOM AND DESOM, KOZHIKODE
TALUK.

BY ADV. SRI.MANJERI SUNDERRAJ
SRI.B.PREMNATH (E)

RESPONDENTS: DEFENDANTS

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1. KUNNOTH FIRDOUSE, AGED 25/OO,
S/O.MOIDU HAJEE, VILLIAPPALLI AMSOM,
THIRUMANA DESOM, VATAKARA TALUK.

2. RAMATH THAZHA KUNIYIL NABEEZA,
D/O.KUNHALIKUTTY, AGED 46/00, VILLIAPPALLI
AMSOM, THIRUMANA DESOM, VATAKARA TALUK.

3. P.M.ABDUL NAZIR, AGED 35/00,
S/O.KUNHABDULLA, KUTTIADI AMSOM,
THONDIPOYIL DESOM, VATAKARA TALUK.

4. PARAMBATH MEENAKSHI, AGED 62/00,
D/O.ANDIKUTTY, KARUMANGAT AMSOM,
PERUVATTUR DESOM, KOYILANDY TALUK.

5. KERALA FINANCIAL CORPORATION,
K.F.C. DISTRICT OFFICE, KALLAI ROAD,
KASABA AMSOM AND DESOM, KOZHIKODE TALUK.

6. KOZHIKODE CORPORATION, REP. BY
ITS SECRETARY, CORPORATION OFFICER,
CALICUT BEACH, NAGARAM AMSOM AND DESOM,
KOZHIKODE TALUK.

R6 BY ADV. SRI.B.G.BHASKAR

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J.

Tr.P.C.No: 203 OF 2006

Dated this the 30th May, 2007.

JUDGMENT

This petition is filed to direct transfer of O.S.185/02 and O.S.191/02 pending before the Munsiff's Court, Kozhikode to the Principal Sub Court, Kozhikode for the purpose of joint trial with indigent suit O.P.3/2002.

2. Perused the order of the learned District Judge and heard counsel for both sides.

3. A perusal of the order would reveal that indigent O.P.3/02 has not been even decided so as to whether the petitioner is to be permitted to sue as an indigent person. It is also contended that earlier two original petitions, 237/03 and 272/04 were disposed of. The reason shown in dismissing the earlier application was that the issue to be considered in the indigent O.P was only whether the petitioner be permitted to sue as a indigent person. Until and unless it is disposed of or allowed and converted as a suit and notice is issued, one cannot hold that O.P.3/02 has to be tried along with other suit that is sought to be requested for. Another point is that on the very same ground the earlier original petitions had been dismissed and the court was not at all in a position to entertain the present transfer application. Therefore the transfer

petition is dismissed. But however, I make it clear that if O.P.3/02 is disposed of and the other matters are pending at that point of time the petitioner is at liberty to file appropriate application for proper consideration by the court.

M.N.KRISHNAN
Judge

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